

1 AN ACT concerning schools.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The School Code is amended by adding Section  
5 2-3.131 and changing Sections 10-22.6 and 34-19 as follows:

6 (105 ILCS 5/2-3.131 new)

7 Sec. 2-3.131. Community-based education programs;  
8 suspended students. The State Board of Education shall issue  
9 vendor numbers to community-based education programs that the  
10 State Board of Education has approved to educate students  
11 that have been suspended from public school. The State Board  
12 of Education may adopt any rules necessary to implement this  
13 Section.

14 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

15 Sec. 10-22.6. Suspension or expulsion of pupils; school  
16 searches.

17 (a) To expel pupils guilty of gross disobedience or  
18 misconduct, and no action shall lie against them for such  
19 expulsion. Expulsion shall take place only after the parents  
20 have been requested to appear at a meeting of the board, or  
21 with a hearing officer appointed by it, to discuss their  
22 child's behavior. Such request shall be made by registered or  
23 certified mail and shall state the time, place and purpose of  
24 the meeting. The board, or a hearing officer appointed by it,  
25 at such meeting shall state the reasons for dismissal and the  
26 date on which the expulsion is to become effective. If a  
27 hearing officer is appointed by the board he shall report to  
28 the board a written summary of the evidence heard at the  
29 meeting and the board may take such action thereon as it  
30 finds appropriate.

1           (b) To suspend or by regulation to authorize the  
2 superintendent of the district or the principal, assistant  
3 principal, or dean of students of any school to suspend  
4 pupils guilty of gross disobedience or misconduct, or to  
5 suspend pupils guilty of gross disobedience or misconduct on  
6 the school bus from riding the school bus, and no action  
7 shall lie against them for such suspension. The board may by  
8 regulation authorize the superintendent of the district or  
9 the principal, assistant principal, or dean of students of  
10 any school to suspend pupils guilty of such acts for a period  
11 not to exceed 10 school days. If a pupil is suspended due to  
12 gross disobedience or misconduct on a school bus, the board  
13 may suspend the pupil in excess of 10 school days for safety  
14 reasons. Any suspension shall be reported immediately to the  
15 parents or guardian of such pupil along with a full statement  
16 of the reasons for such suspension and a notice of their  
17 right to a review, a copy of which shall be given to the  
18 school board. Upon request of the parents or guardian the  
19 school board or a hearing officer appointed by it shall  
20 review such action of the superintendent or principal,  
21 assistant principal, or dean of students. At such review the  
22 parents or guardian of the pupil may appear and discuss the  
23 suspension with the board or its hearing officer. If a  
24 hearing officer is appointed by the board he shall report to  
25 the board a written summary of the evidence heard at the  
26 meeting. After its hearing or upon receipt of the written  
27 report of its hearing officer, the board may take such action  
28 as it finds appropriate.

29           (c) The Department of Human Services shall be invited to  
30 send a representative to consult with the board at such  
31 meeting whenever there is evidence that mental illness may be  
32 the cause for expulsion or suspension.

33           (d) The board may expel a student for a definite period  
34 of time not to exceed 2 calendar years, as determined on a

1 case by case basis. A student who is determined to have  
2 brought a weapon to school, any school-sponsored activity or  
3 event, or any activity or event which bears a reasonable  
4 relationship to school shall be expelled for a period of not  
5 less than one year, except that the expulsion period may be  
6 modified by the superintendent, and the superintendent's  
7 determination may be modified by the board on a case by case  
8 basis. For the purpose of this Section, the term "weapon"  
9 means (1) possession, use, control, or transfer of any gun,  
10 rifle, shotgun, weapon as defined by Section 921 of Title 18,  
11 United States Code, firearm as defined in Section 1.1 of the  
12 Firearm Owners Identification Act, or use of a weapon as  
13 defined in Section 24-1 of the Criminal Code, (2) any other  
14 object if used or attempted to be used to cause bodily harm,  
15 including but not limited to, knives, brass knuckles, or  
16 billy clubs, or (3) "look alike" of any weapon as defined in  
17 this Section. Expulsion or suspension shall be construed in a  
18 manner consistent with the Federal Individuals with  
19 Disabilities Education Act. A student who is subject to  
20 suspension or expulsion as provided in this Section may be  
21 eligible for a transfer to an alternative school program in  
22 accordance with Article 13A of the School Code. The  
23 provisions of this subsection (d) apply in all school  
24 districts, including special charter districts and districts  
25 organized under Article 34.

26 (e) To maintain order and security in the schools,  
27 school authorities may inspect and search places and areas  
28 such as lockers, desks, parking lots, and other school  
29 property and equipment owned or controlled by the school, as  
30 well as personal effects left in those places and areas by  
31 students, without notice to or the consent of the student,  
32 and without a search warrant. As a matter of public policy,  
33 the General Assembly finds that students have no reasonable  
34 expectation of privacy in these places and areas or in their

1 personal effects left in these places and areas. School  
2 authorities may request the assistance of law enforcement  
3 officials for the purpose of conducting inspections and  
4 searches of lockers, desks, parking lots, and other school  
5 property and equipment owned or controlled by the school for  
6 illegal drugs, weapons, or other illegal or dangerous  
7 substances or materials, including searches conducted through  
8 the use of specially trained dogs. If a search conducted in  
9 accordance with this Section produces evidence that the  
10 student has violated or is violating either the law, local  
11 ordinance, or the school's policies or rules, such evidence  
12 may be seized by school authorities, and disciplinary action  
13 may be taken. School authorities may also turn over such  
14 evidence to law enforcement authorities. The provisions of  
15 this subsection (e) apply in all school districts, including  
16 special charter districts and districts organized under  
17 Article 34.

18 (f) Suspension or expulsion may include suspension or  
19 expulsion from school and all school activities and a  
20 prohibition from being present on school grounds.

21 (g) A school district may adopt a policy providing that  
22 if a student is suspended or expelled for any reason from any  
23 public or private school in this or any other state, the  
24 student must complete the entire term of the suspension or  
25 expulsion before being admitted into the school district.  
26 This policy may allow placement of the student in an  
27 alternative school program established under Article 13A of  
28 this Code, if available, for the remainder of the suspension  
29 or expulsion. This subsection (g) applies to all school  
30 districts, including special charter districts and districts  
31 organized under Article 34 of this Code.

32 (h) If a pupil is suspended for one or more school days,  
33 then, for that period of suspension, the pupil's parent or  
34 guardian may place the pupil in a community-based education

1 program approved by the State Board of Education under  
 2 Section 2-3.131 of this Code and the school district must pay  
 3 the community-based education program an amount equal to  
 4 one-half of the amount the school spends per pupil per day  
 5 for each day that the pupil is suspended and attends the  
 6 program.

7 (Source: P.A. 92-64, eff. 7-12-01.)

8 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

9 Sec. 34-19. By-laws, rules and regulations; business  
 10 transacted at regular meetings; voting; records. The board  
 11 shall, subject to the limitations in this Article, establish  
 12 by-laws, rules and regulations, which shall have the force of  
 13 ordinances, for the proper maintenance of a uniform system of  
 14 discipline for both employees and pupils, and for the entire  
 15 management of the schools, and may fix the school age of  
 16 pupils, the minimum of which in kindergartens shall not be  
 17 under 4 years and in grade schools shall not be under 6  
 18 years. It may expel, suspend or, subject to the limitations  
 19 of all policies established or adopted under Section 14-8.05,  
 20 otherwise discipline any pupil found guilty of gross  
 21 disobedience, misconduct or other violation of the by-laws,  
 22 rules and regulations. If a pupil is suspended for one or  
 23 more school days, then, for that period of suspension, the  
 24 pupil's parent or guardian may place the pupil in a  
 25 community-based education program approved by the State Board  
 26 of Education under Section 2-3.131 of this Code and the  
 27 school district must pay the community-based education  
 28 program an amount equal to one-half of the amount the school  
 29 spends per pupil per day for each day that the pupil is  
 30 suspended and attends the program. The bylaws, rules and  
 31 regulations of the board shall be enacted, money shall be  
 32 appropriated or expended, salaries shall be fixed or changed,  
 33 and textbooks and courses of instruction shall be adopted or

1 changed only at the regular meetings of the board and by a  
2 vote of a majority of the full membership of the board;  
3 provided that notwithstanding any other provision of this  
4 Article or the School Code, neither the board or any local  
5 school council may purchase any textbook for use in any  
6 public school of the district from any textbook publisher  
7 that fails to furnish any computer diskettes as required  
8 under Section 28-21. The board shall be further encouraged to  
9 provide opportunities for public hearing and testimony before  
10 the adoption of bylaws, rules and regulations. Upon all  
11 propositions requiring for their adoption at least a majority  
12 of all the members of the board the yeas and nays shall be  
13 taken and reported. The by-laws, rules and regulations of the  
14 board shall not be repealed, amended or added to, except by a  
15 vote of 2/3 of the full membership of the board. The board  
16 shall keep a record of all its proceedings. Such records and  
17 all by-laws, rules and regulations, or parts thereof, may be  
18 proved by a copy thereof certified to be such by the  
19 secretary of the board, but if they are printed in book or  
20 pamphlet form which are purported to be published by  
21 authority of the board they need not be otherwise published  
22 and the book or pamphlet shall be received as evidence,  
23 without further proof, of the records, by-laws, rules and  
24 regulations, or any part thereof, as of the dates thereof as  
25 shown in such book or pamphlet, in all courts and places  
26 where judicial proceedings are had.

27 Notwithstanding any other provision in this Article or in  
28 the School Code, the board may delegate to the general  
29 superintendent or to the attorney the authorities granted to  
30 the board in the School Code, provided such delegation and  
31 appropriate oversight procedures are made pursuant to board  
32 by-laws, rules and regulations, adopted as herein provided,  
33 except that the board may not delegate its authorities and  
34 responsibilities regarding (1) budget approval obligations;

1 (2) rule-making functions; (3) desegregation obligations; (4)  
2 real estate acquisition, sale or lease in excess of 10 years  
3 as provided in Section 34-21; (5) the levy of taxes; or (6)  
4 any mandates imposed upon the board by "An Act in relation to  
5 school reform in cities over 500,000, amending Acts herein  
6 named", approved December 12, 1988 (P.A. 85-1418).

7 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

8 Section 90. The State Mandates Act is amended by adding  
9 Section 8.27 as follows:

10 (30 ILCS 805/8.27 new)

11 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
12 and 8 of this Act, no reimbursement by the State is required  
13 for the implementation of any mandate created by this  
14 amendatory Act of the 93rd General Assembly.

15 Section 99. Effective date. This Act takes effect on  
16 July 1, 2003.